

PROB 12C
(7/93)

Report Date: January 25, 2010
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

JAN 25 2010

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Abraham G Diaz

Case Number: 2:05CR06055-001

Address of Offender: .

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 5/19/2006

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 30 Months; TSR - 24 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: James P. Hagarty

Date Supervision Commenced: 3/28/2009

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: 3/20/2010

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 1/8/2010.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

2

Special Condition #17: You shall abstain from the use of illegal controlled substances and shall submit to urinalysis testing as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Abraham Diaz is considered in violation of his period of supervised release in the Eastern District of Washington by using a controlled substance, marijuana, on or prior to January 5, 2010.

On January 5, 2010, Mr. Diaz reported to the probation office in Richland and supplied a urine sample for testing. This sample returned presumptive positive for the presence of marijuana. The sample was forwarded to Kroll Laboratory Specialists for further confirmation. The sample was confirmed positive for the presence of marijuana on January 12, 2010.

Prob12C

Re: Diaz, Abraham G

January 25, 2010

Page 2

3

Standard Condition # 3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instruction of the probation officer.

Supporting Evidence: Abraham Diaz is considered in violation of his period of supervised release in the Eastern District of Washington by failing to report to the probation office and for urinalysis testing on January 19, 2010.

As noted above, Mr. Diaz reported to the probation office in Richland, Washington, on January 5, 2010, and provided a presumptive positive urinalysis for marijuana. Mr. Diaz was directed to report back to the probation office on January 19, 2010, for an additional urinalysis screening so as to be able to check the level of THC in his system. Mr. Diaz was advised a decrease in the level of THC would indicate no further use and could assist him in his upcoming violation hearing. Mr. Diaz was provided a card which indicated he was to return on January 19, 2010, for our next appointment.

On January 19, 2010, Mr Diaz failed to report and a voice message was left on his home phone directing him to report the next day for the urinalysis testing. Once again, Mr. Diaz failed to report. An attempt was also made to contact Mr. Diaz on his cell phone but it was found the number was not able to receive calls.

On January 25, 2010, Mr. Diaz made an initial appearance before U.S. Magistrate Judge James P. Hutton regarding the alleged violations contained within the violation report dated January 8, 2010. The Court was also advised of Mr. Diaz's failure to report on January 19, 2010, and the additional positive urinalysis testing. A recommendation was made to detain Mr. Diaz due to his risk to the community. Mr. Diaz was taken into custody and a detention hearing was scheduled for January 27, 2010, in Yakima.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/25/2010

s/David L. McCary

David L. McCary
U.S. Probation Officer

Prob12C

Re: Diaz, Abraham G

January 25, 2010

Page 3

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer

1/25/10

Date